

REMARKS

Claim 68-75 and 116-120 were previously pending in this application. By this response, Applicant amends claims 68 and 73. As a result, claim 68-75 and 116-120 are pending for examination with claim 68 and 73 being independent claims. No new matter is added.

Claim Rejections

Claim 68, 69, 71-75, 116, and 119-120 stand rejected under 35 U.S.C. §102(b) as being anticipated by Schweizer (US 3,842,840). Claims 117 and 118 stand rejected under 35 U.S.C. §103 as being obvious over Schweizer.

Independent Claim 68

Independent claim 68 recites a suture wire supply cartridge for a suturing instrument having a drive mechanism. The cartridge includes, among other things, an elongated suture wire guide defining a guide pathway for delivering suture wire from the cartridge. The guide pathway has a proximal portion that includes drive openings and a distal portion that includes a tube with a delivery opening. Claim 68 is amended to recite that the suture wire supply cartridge is separate and detachable from the suturing instrument. Claim 68 is also amended to recite that actuation of the drive mechanism draws suture wire from the holder and pushes the suture wire distally of the drive openings along the guide pathway through the tube and through the delivery opening.

Applicant respectfully points out, as was set forth in the prior response, that the outlet ports of the needle 62 in Schweizer, which the Office Action equates with the drive openings of claim 68, are not part of a cartridge. Instead, the outlet ports are a part of the instrument itself. To clarify this distinction over Schweizer. Applicant amends 68 to explicitly recite that the suture wire supply cartridge is separate and detachable from the suturing instrument, as was suggested in the Office Action.

Applicant also amends claim 68 to recite “distally” instead of “forward” to more clearly indicate the direction in which the suture wire is pushed. The interpretation set forth in the Office Action appears to have suture wire moving toward a structure associated with the holder in

Schweizer, which Applicant suggests is readily understood by those having ordinary skill in the art to be proximally, rather than distally as now recited by claim 68.

For at least the above described reasons, the rejections of independent claim 68 and any claims depending therefrom, including separately rejected claims 117 and 118, are believed to be overcome. Accordingly, withdrawal of these rejections is respectfully requested.

Independent Claim 73

Independent claim 73 recites a suture wire supply cartridge for a suturing instrument. As with independent claim 68, claim 73 is also amended to recite that the suture wire supply cartridge is separate and detachable from the suturing instrument.

Applicant respectfully points out that features 26/41 of Schweizer, which the Office Action equates with a guide tube support, as recited by claim 73, are part of the instrument. Features 26/41 are not components of a suture wire supply cartridge that is separate and detachable from the suturing instrument. Claim 73 is amended to highlight this distinction.

For at least each of the above described reasons, the rejections of independent claim 73, and any claims depending therefrom, are believed to be overcome. Accordingly, withdrawal of these rejections is respectfully requested.

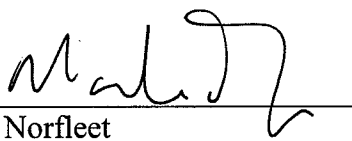
CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. D0188.70162US01 from which the undersigned is authorized to draw.

Dated: 6/30/10

Respectfully submitted,

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